

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES FIDELITY  
AND GUARANTEE CO.

Plaintiff,

vs.

AMERICAN GUARANTEE  
& LIABILITY INSURANCE CO.

Defendant.

Case No. 4:06CV00655 RWS


**MEMORANDUM AND ORDER**

On April 19, 2006, United States Fidelity and Guarantee Company filed this action against American Guarantee & Liability Insurance Company. The amended complaint, filed by U.S. Fidelity on August 25, 2006, sought declaratory relief as to the alleged exhaustion of its insurance policy and its obligations for payment of any additional sums to American Guarantee. On December 4, 2006, the United States District Court for the Western District of Washington entered an order directing that an action involving these same two parties and common issues of law and fact be transferred to the United States District Court for the Eastern District of Missouri.

Federal Rule of Civil Procedure 42 allows a court to consolidate actions involving a common question of law or fact that are pending before the court. Because I find that these two cases involve common questions of law and fact, I will consolidate the transferred action, *sua sponte*, into this current pending action.

Accordingly,

**IT IS HEREBY ORDERED** that the action, American Guarantee Liability Insurance Company v. United States Fidelity & Guarantee Company, et al., 4:07-cv-00201-TIA, shall be **CONSOLIDATED** into this action.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 5th day of February, 2007.